Application No.: 10/657,740 2 Docket No.: 01794/100H406-US1

REMARKS

This submission is in response to the Restriction Requirement dated June 17, 2004. Claims 1-41, of which claims 12-17 are herein elected for prosecution, are pending. Consideration of the above identified application, in view of the following remarks, is respectfully requested.

Restriction Requirement

The Examiner has required a restriction of the pending claims to one of the following groups:

Invention Group I containing claims 1-11, drawn to an isolated truncated α -crystallin polypeptide.

Inventions Group II containing claims 12(11)-17, drawn to an isolated nucleic acid encoding the truncated α-crystallin polypeptide. It is our understanding that Group II consists of claims 12-17, rather than claims 11-17 as stated in the Restriction Requirement. Claim 11 is directed to a polypeptide and thus belongs with the claims of group I.

Invention Group III containing claims 18-41, drawn to an expression vector comprising a nucleic acid encoding a small heat shock protein, and a nucleic acid encoding a protein, polypeptide, or fragment thereof, wherein said nucleic acids are operatively associated with an expression control sequence, a method of enhancing expression of a protein in a host cell comprising coexpressing said protein with a small heat shock protein, and a thermo tolerant host cell genetically modified to express a small heat shock protein.

In order to be fully responsive to the Requirement for Restriction, Applicants hereby elect to prosecute claims 12-17 corresponding to Group II, without traverse.

Application No.: 10/657,740 3 Docket No.: 01794/100H406-US1

As indicated in the Restriction Requirement, Applicants request that any method claims of Group III that depend from or otherwise include the limitations of allowable product claims of Group II be rejoined and entered as a matter of right.

Conclusion

In view of the above remarks, it is respectfully requested that the application be considered on its merits and that all pending claims be allowed and the case passed to issue.

Dated: September 14, 2004

Respectfully submitted,

Heather Morehouse Ettinger, Ph.D.

Registration No.: 51,658 DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant